

**DEFENDANT EXPERIAN INFORMATION SOLUTIONS, INC.'S  
MOTION TO COMPEL PLAINTIFF'S DISCOVERY RESPONSES AND PAY COSTS**

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# **EXHIBIT 12**

*December 9, 2016 Email from J. Putney to G. Gorski regarding unresolved  
discovery deficiencies*



Re: Shelton v. Experian Information Solutions , Inc., Case No. 16-1650 (EDPA)



John Paul Putney/JonesDay to: Gregory Gorski  
4-9593

12/09/2016 04:04 PM

Greg--

I received the Facebook post referenced in your email below late in the afternoon on the last business day prior to the settlement conference. This document is plainly responsive and should have been produced months ago when plaintiff responded to Experian's document requests on October 5, 2016, and certainly before plaintiff's deposition on November 18, 2016.

Furthermore, setting aside the inappropriateness of the belated production and looking to your client's deposition testimony, I cannot accept that this is the only responsive document in plaintiff's possession, custody, or control. Even the language of the Facebook post itself suggests it is not the only on-point communication by your client. Your client testified that he uses a variety of mediums to communicate with others (including his parents) about the subject matter of the lawsuit, including text messages, email, Facebook, and other internet-based platforms. Your email does not seem to address the significant variety of apparently responsive non-privileged communications and also appears to suggest that the text messages that your client acknowledged existed at his deposition no longer exist now.

Experian has done everything it can to reiterate its need for this information and provide additional time for plaintiff to actually look for and produce this information. In light of the scheduling order entered by Judge Diamond and the impending deposition of plaintiff's father scheduled for Thursday, December 15th, Experian will be seeking the court's intervention if plaintiff cannot or will not produce **all responsive documents via email by 12pm on Monday, December 12, 2016**. Moreover, because Experian believes that plaintiff's conduct does not meet the standard required by the Rules of Federal Procedure and has prejudiced its ability to defend the case, Experian will also seek sanctions.

Regards,

John Paul Putney  
Associate  
[JONES DAY® - One Firm Worldwide<sup>SM</sup>](#)  
500 Grant Street  
Suite 4500  
Pittsburgh, PA 15219  
Office +1.412.394.9593  
Cell +1.412.228.0823  
Fax +1.412.394.7959  
JPutney@JonesDay.com

Gregory Gorski

Hi John, I have a copy of the Facebook post. I'l s...

12/02/2016 11:01:22 AM

From: Gregory Gorski <ggorski@consumerlawfirm.com>  
To: John Paul Putney <jputney@jonesday.com>  
Date: 12/02/2016 11:01 AM  
Subject: Re: Shelton v. Experian Information Solutions, Inc., Case No. 16-1650 (EDPA)

Hi John,

I have a copy of the Facebook post. I'll send you a copy of that later today.

I checked with my client and he has no text messages related to the case.

I don't understand what you are seeking from an amendment to 7, 8, and 9, you already have testimony under oath on the subject and you know that the only thing he previously applied for was the Capital One credit card that he currently has. If you want to discuss that further you can call me.

GG

On Nov 30, 2016, at 5:11 PM, John Paul Putney <[jputney@jonesday.com](mailto:jputney@jonesday.com)> wrote:  
Greg--

Please see the attached correspondence in the above referenced matter.

Regards,

John Paul Putney  
Associate

[JONES DAY® - One Firm Worldwide<sup>SM</sup>](#)

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Suite 4500  
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<NAI\_1502288407\_1\_(Shelton) 2016.11.30 J. Putney Ltr. to G. Gorski re failure to respond to discovery.PDF>

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